

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

LARRY STEVE MELTON,  
LARRY S. MELTON and  
R & J OF TENNESSEE, INC.,

Plaintiffs,

v.

No. 02-1152 B

BANK OF LEXINGTON, a branch of the  
BANK OF FRIENDSHIP, et al.,

Defendants.

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ORDER ADOPTING THE REPORT AND RECOMMENDATION  
OF THE MAGISTRATE JUDGE, GRANTING PLAINTIFF'S MOTION TO DISMISS  
COUNTERCLAIM OF HAROLD WALDEN BLANKENSHIP, GRANTING  
COUNTER-DEFENDANTS'/THIRD-PARTY DEFENDANTS'  
MOTION FOR SUMMARY JUDGMENT AND DENYING PLAINTIFF'S  
MOTION FOR DEFAULT JUDGMENT

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This cause is before the Court in connection with the report and recommendation of the magistrate judge on the following motions: (1) Plaintiff Larry S. Melton's motion to dismiss the counterclaim of Harold Walden Blankenship, filed March 13, 2006 (Doc. No. 707); (2) Plaintiff Larry S. Melton's motion for default judgment as to Harold Walden Blankenship, filed April 19, 2006 (Doc. No. 754); and (3) motion of Counter-Defendants/Third-Party Defendants, Larry Steve Melton; R & J of Tennessee, Inc.; John Melton; American Home Financial Services, Inc.; American Home Financial Services, II, Inc.; and Blankenship/Melton Aviation, Inc., for summary judgment, filed October 2, 2006 (Doc. No. 876). In a report and recommendation filed February 15, 2007, the magistrate judge recommended that Plaintiff Larry S. Melton's motion to dismiss be granted and that all claims brought by Blankenship be dismissed with prejudice as to all parties; that the motion for

summary judgment be granted; and that Plaintiff Larry S. Melton's motion for default judgment be denied without prejudice. According to the Court's docket, no objections to the magistrate judge's report and recommendation have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

The Court has reviewed the magistrate judge's report and recommendation, and the entire record of the proceeding before the magistrate judge. No objections having been filed to the report and recommendation, the Court ADOPTS the magistrate judge's report and recommendation.

Based on the foregoing, the Plaintiff Larry S. Melton's motion to dismiss the counterclaim of Harold Walden Blankenship is GRANTED; all claims brought by Blankenship are DISMISSED with prejudice as to all parties; the Plaintiff Larry S. Melton's motion for default judgment is DENIED without prejudice; and the Counter-Defendants'/Third-Party Defendants' motion for summary judgment is GRANTED.

IT IS SO ORDERED this 2nd day of April, 2007.

s/ J. DANIEL BREEN  
UNITED STATES DISTRICT JUDGE